

DUBLIN DIVISION

**Defendant.**

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CV 311-044


## ORDER

Plaintiff's objections are, in the main, a reiteration of the contentions he made in his motion for summary judgment and his reply to Defendant's response, and they have thus already been sufficiently addressed by the Magistrate Judge in the R&R. One point warrants

further comment, however. Plaintiff contends that the Magistrate Judge “misconstrued” the duration of the denial of meals to Plaintiff in accordance with his religious preferences while he was at TSP, as he asserts that he was denied such meals for the “entire duration” of his confinement at TSP from April of 2010 to May of 2010. (Doc. no. 149, p. 1.) The Magistrate Judge did not find otherwise, however; he noted that Plaintiff claimed that he was denied “restricted vegan” meals while he was incarcerated at TSP, “particularly” – but not exclusively – “for a period of eleven consecutive days while he was in segregated confinement.” (Doc. no. 147, p. 2.) Thus, Plaintiff’s allegation that the Magistrate Judge “misconstrued” the period of time that Plaintiff alleged a constitutional violation was occurring lacks merit. In any event, the Court agrees with the Magistrate Judge that whether Plaintiff is alleging that he was denied vegan meals for the approximately one month he was at TSP in 2010 or only for the eleven days he was in segregated confinement, he has fallen well short of establishing Defendant’s liability for the alleged denial at this juncture.

Accordingly, Plaintiff’s objections are **OVERRULED**, and the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Plaintiff’s motion for summary judgment is **DENIED**.<sup>1</sup> (Doc. no. 58.)

SO ORDERED this 4<sup>th</sup> day of March, 2013, at Augusta, Georgia.

  
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HONORABLE J. RANDAL HALL  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA

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<sup>1</sup>As noted by the Magistrate Judge, according to the Scheduling Notice issued on December 21, 2012, discovery remains ongoing in this case. Both parties are thus still free to file motions for summary judgment by the deadline stated therein. (Doc. no. 141.)